

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, October 23, 2007 – 9:00 a.m. – Room W135 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Ben C. Ferry, House Chair
Sen. Mike Dmitrich
Sen. Mark B. Madsen
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Excused:

Sen. Ed Mayne
Rep. Kory M. Holdaway

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ferry called the meeting to order at 9:18 a.m.

MOTION: Rep. Gowans moved to approve the minutes of the September 25, 2007 meeting. The motion passed unanimously.

2. Report: Definition of "Supervised" or "Supervising"

Mr. F. David Stanley, Director, Division of Occupational and Professional Licensing, distributed and reviewed "Proposed Global Definition of Levels of Supervision," "Summary of Board/Commission Results on the Proposed Global Definition of Levels of Supervision," and "Professional Supervision Definitions in Statute."

Mr. Stanley suggested that the Committee accept the proposed global definition as an administrative rule.

MOTION: Sen. Dmitrich moved that the Committee recommend that Mr. Stanley draft, in the form of an administrative rule, the proposed global definition of levels of supervision and return it to the Committee for review.

Due to the lack of a quorum, the vote was postponed until later in the meeting (please see Agenda Item #3).

3. Report: R722-300 Concealed Firearm Permit Rule

Mr. Hunsaker distributed "Section 53-5-704" and explained the issues under consideration: 1) clarification in statute as to who holds the burden of determining the good character of the permit applicant; 2) nonresident applications for concealed firearm permits currently not addressed by statute; and 3) wording in "Notice of 120-Day (Emergency) Rule" which was distributed in the mailing packet.

Mr. Rick Wyss, Administrative Law Judge, Department of Public Safety, distributed and reviewed alternative rule language.

Commissioner Ed Phillips, Department of Public Safety, reported that information on domestic violence, protective orders, juvenile records, mental health records, and expungement of records are not available regarding nonresident aliens.

Mr. Wyss and Commissioner Phillips spoke in favor of statutory clarifications in the upcoming session.

Committee discussion followed.

Mr. Doug Anderson, Manager, Bureau of Criminal Identification, responded to questions regarding training of applicants for concealed firearm permits.

MOTION: Sen. Waddoups moved that the Committee request staff to draft legislation pertaining to the statutory changes being discussed, including a fee differential for international applicants and education requirements for all applicants.

Rep. Newbold stated that she has already opened a bill file on this topic.

Sen. Waddoups withdrew his motion.

MOTION: Chair Ferry asked Sen. Dmitrich to restate his motion under Agenda Item #2. Sen. Dmitrich restated the motion, the Committee voted, and the motion passed unanimously.

Rep. Ferry transferred the chair to Sen. Stephenson.

4. Draft Rule, After School Child Care at Schools

Dr. Marc Babitz, Director, Division of Health Systems Improvement, and Ms. Teresa Whiting, Director, Child Care Licensing Bureau, Department of Health, distributed and reviewed "Request for Clarification Regarding License Exempt Child Care Providers." Dr. Babitz and Ms. Whiting responded to questions from the Committee.

Mr. Bob Green, Executive Director, Boys and Girls Club of Cache Valley, described the after school program provided by the Boys and Girls Club, and responded to committee questions.

Mr. Stan Lockhart, President, Utah Boys and Girls Clubs Alliance, spoke in favor of the efforts of Boys and Girls Clubs in the state to provide after school tutoring and child care at schools.

Ms. Karen Silver, Salt Lake Community Action Program, said public and private child care rules should be consistent.

Rep. Rosalind McGee said she has opened a bill file on this issue.

5. Committee Business

Future meetings were scheduled for November 7, 2007, and November 27, 2007.

6. Adjourn

MOTION: Sen. Waddoups moved to adjourn the meeting. The motion passed unanimously. Rep. Moss was absent for the vote.

Chair Stephenson adjourned the meeting at 11:43 a.m.